

Remarks

By the foregoing Amendment, claims 1, 4, 5, 8 and 9 are amended, claims 2, 3 and 6 are cancelled and new claim 16 is presented. Entry of the Amendment and favorable consideration thereof is earnestly requested.

The Examiner has rejected claims 1-3 and 6 under 35 U.S.C. §102(b) as anticipated by European Patent WO 98/04185 to Storz ("the Storz patent"). The Examiner has also rejected claims 1-3, 6 and 14 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,364,827 to Irion ("the '827 patent"). The Examiner has further rejected claims 1, 3, 9 and 12 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,471,786 to Inagaki ("the '786 patent"). The Examiner has still further rejected claims 1-3, 5, 6, 8, 9, 11, 12 and 14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,274,423 to Mizuno ("the '423 patent") in view of U.S. Patent No. 6,312,380 to Hoek ("the '380 patent"). These rejections are respectfully traversed.

As amended, claims 1-15 require, among other elements, a recess that comprises a collar forming an undercut and having a diameter and an embedding medium arranged between the data carrier and the recess and forming a body so that the data carrier is non-removable held in the undercut. Additionally, claim 16 requires, among other elements, a recess having a recess opening forming a restriction, a data carrier located in said recess and being dimensionally smaller than the restriction, and an embedding medium arranged in the recess forming a body that is dimensionally larger than the restriction such that said data carrier is non-removable held in said recess. A major benefit of the present invention is that the data carrier is smaller than the opening of the recess so that the data carrier may easily be installed in the recess from the exterior of the instrument body. In addition, the recess has a restriction such that the opening of the recess is smaller than the body of the recess and an embedding material is applied in and around the data carrier to form a body that is larger than the opening of the recess. In this way, the data carrier is securely held in the recess, even

if the body loosens over time due to, for instance, thermal expansion and contraction, the body will not fall out of the recess.

The Examiner has suggested that the Storz patent and the '827 patent disclose a data carrier that is "float embedded" in a recess in the instrument body and identifies structure 3 as preventing the data carrier from being in direct contact with the instrument body 1. Applicant respectfully submits that reference number 3 in these two references designates the instrument body rather than an embedding medium and that reference number 1 designates the eyepiece cup. ('827 patent col. 3, line 67 and col. 4, lines 1-5; Fig. 1). Neither the Storz patent nor the '827 patent teach, disclose or suggest a recess comprising a collar forming an undercut and an embedding medium arranged between the data carrier and the recess. Rather, both of these references teach that the data carrier is in direct contact with the instrument body. In addition, neither of these references teach, disclose or suggest forming a body between the data carrier and the recess with an embedding medium so that the data carrier is non-removable held in the undercut as required by amended claim 1. The benefit of having the undercut is described in the specification where it states "a relief or undercut" is provided "in at least one region in which the data carrier is held so as not to be lost" and that the "feature has the advantage that even if the data carrier becomes loosened within the recess during the course of use ... it is still securely and reliably held." (Page 6, lines 26-28 and page 7, lines 1-2.) In contrast, the recess illustrated in both the Storz patent and the '827 patent has no undercut because the opening to the recess is the same size as the recess itself (Fig. 1). Therefore, it is possible for the data carriers (i.e., element 4, transmitter element 8, sensor 9 and energy accumulator 10) shown in both the Storz patent and the '827 patent to fall out from the recess and into the instrument if they become loosened within the recess.

Applicant therefore respectfully submits that neither the Storz patent nor the '827 patent teach, disclose or suggest a recess that comprises a collar forming an undercut and having a diameter and an embedding medium arranged between the data carrier

and the recess and forming a body so that the data carrier is non-removable held in the undercut, as required by amended claim 1 and therefore cannot anticipate or render claim 1 obvious.

With respect to the '786 patent, the Examiner has not identified and Applicant respectfully submits that the '786 patent does not disclose a recess forming an undercut and an embedding medium arranged between the data carrier and the recess and forming a body so that the data carrier is non-removable held in the undercut as required by amended claim 1. As seen in Figure 1 of the '786 patent, although the casing "has four steps 20, 21, 22, 23" that will keep "strain sensing member 26" from falling into the device, there is no undercut to keep "strain sensing member 26" from falling out of the recess. ('786 patent col. 4, line 51 and col. 6, lines 41-42.)

Applicant therefore respectfully submits that the '786 patent does not teach, disclose or suggest a recess forming an undercut and having a diameter and an embedding medium arranged between the data carrier and the recess and forming a body so that the data carrier is non-removable held in the undercut, as required by amended claim 1 and therefore cannot anticipate or render claim 1 obvious.

The '423 patent appears to be directed toward a catheter tip pressure transducer for detecting the pressure in various portions of a living body. ('423 patent abstract.) The '423 patent teaches that "[a]fter positioning the silicon pressure sensor 14 on the insulator 13, the pressure inlet hole 12 of the catheter 10 is pressure-sealed by protecting member 22." ('423 patent col. 5, lines 66-68.) However, the pressure sensor 14 of the '423 patent is much larger than the pressure inlet hole 12 as seen in Figure 3. Amended claim 1 requires, among other elements, a recess which comprises a collar forming an undercut, the collar having an inside diameter and a data carrier having outer dimensions which are smaller than the inside diameter. The opposite of this is disclosed in the '423 patent. This is not an insubstantial difference because the data carrier, as taught in the '423 patent, cannot be inserted through the pressure inlet hole

such that the data carrier can easily be installed in the recess. Rather, the lengthy process of placing the data carrier, connecting the wires and forming the pressure inlet hole 12 are depicted in Figures 4-7 of the '423 patent.

In reference to the '380 patent, the Examiner has not identified and Applicant respectfully submits that the '380 patent does not disclose a recess forming an undercut and an embedding medium arranged between the data carrier and the recess and forming a body so that the data carrier is non-removable held in the undercut as required by amended claim 1. As seen in Figure 2b of the '380 patent, there is no undercut provided to keep the sensing elements from falling out of the recess. ('380 patent Figs. 2b, and 8a-8e.)

Applicant therefore respectfully submits that neither the '423 patent nor the '380 patent, alone or in combination, teach, disclose or suggest a recess that comprises a collar forming an undercut and having a diameter, a data carrier having outer dimensions which are smaller than the inside diameter, and an embedding medium arranged between the data carrier and the recess and forming a body so that the data carrier is non-removable held in the undercut, as required by amended claim 1 and therefore neither reference alone or in combination can render claim 1 obvious.

Applicant further respectfully submits that none of the above-cited references teach, disclose or suggest a recess having a recess opening that forms a restriction, a data carrier located in the recess and being dimensionally smaller than the restriction, and an embedding medium arranged in the recess forming a body that is dimensionally larger than the restriction such that the data carrier is non-removable held in said recess as required by claim 16. Therefore, none of the above-cited references can anticipate claim 16. Further, none of the above-cited references alone or in any combination can render claim 16 obvious.

Page 10
Serial No. 09/625,792
April 28, 2003

It is respectfully submitted that claims 1, 4, 5, 8, 9, 11-14 and 16 all of the claims remaining in the application, are in order for allowance, and early notice to that effect is respectfully requested.

Respectfully submitted,



Wesley W. Whitmyer, Jr., Registration No. 33,558
Attorney for Applicant
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155